

#3666
OK

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

November 29, 2010

TO: Internal File

THRU: Kevin Lundmark, Lead *KL*

FROM: Ingrid Campbell, Environmental Scientist II *IC*

RE: Protection and Enhancement Plan and Raptor Survey, Hidden Splendor Resources, Horizon Mine, Permit # C/007/0020 and Task ID #3666

SUMMARY:

On June 1, 2010, the Division sent a letter to Hidden Splendor Resources (HSR) explaining that a protection and enhancement plan must be developed prior to undermining Beaver Creek and that raptor surveys are required in areas that could be affected by undermining. This information was stated in the Horizon Mine M&RP on page 10-40 and 41. HSR submitted an amendment in response to this letter on July 7, 2010. The application was denied and returned to HSR with deficiencies. Finally, on November 1, 2010, HSR submitted a response to deficiencies.

This application is not recommended for approval. Prior to approval, the permittee must address the following in accordance with:

R645-301-332: The permittee must submit a protection and enhancement plan for Beaver Creek prior to any additional retreat mining under Beaver Creek. This plan must be developed in conjunction with the Division of Wildlife Resources (DWR) and the Division of Oil, Gas and Mining. (Horizon MRP, Chapter 10, page 10-40). The plan must include, at a minimum, an analysis and monitoring plan of the aquatic resources that could be impacted. This plan should incorporate the 1981 baseline macroinvertebrate studies for Beaver Creek located in Chapter 10 of the Horizon Mining and Reclamation Plan (MRP). In the 1981 DWR analysis of impacts from mining to Beaver Creek referenced in the Horizon MRP, DWR stated that the stream was a substantial value salmonid fishery. DWR conducted this analysis when there were no plans to mine below Beaver Creek, and therefore determined that no impacts would occur to the stream from mining. DWR must be involved with reevaluating the plan to retreat mine beneath Beaver Creek to assess the impacts and provide input on a protection plan. (IC)

TECHNICAL MEMO

TECHNICAL ANALYSIS:

OPERATION PLAN

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Protection and Enhancement Plan

The Horizon Mine M&RP states that Hidden Splendor Resources (HSR) committed to developing a protection and enhancement plan prior to secondary mining of Beaver Creek. The Division sent a letter to the permittee in June 2010 that stated, "An application to modify the MRP must demonstrate that a protection and enhancement plan for Beaver Creek is not necessary because there will be no adverse impacts to fish and wildlife and related environmental values during coal mining and reclamation operations." If the permittee would like to demonstrate this, they must clearly show where mining has occurred under Beaver Creek and explain what, if any, effects it has had on stream flow.

On July 7, 2010 HSR submitted an amendment to this commitment. HSR believes that the only possible disturbance to the creek would be from water loss. No additional surface impacts will occur. The Horizon Mine M&RP contains commitments to replace water loss due to subsidence damage. HSR also states that they have designed the mine plan so that more than 900 feet of overburden will remain under beaver creek after second mining. Based on the Mining Reference Handbook that HSR cites in the M&RP, 900 feet of overburden is sufficient to prevent impacts to resources. However, the permittee is still required to provide a protection and enhancement plan for the important aquatic habitat. The application was denied and returned with deficiencies to HSR.

On November 1, 2010, HSR submitted a response to deficiencies. HSR stated that the protection and enhancement plan was that adequate overburden exists to prevent damage to the stream from retreat mining. However, water loss due to subsidence has occurred in Utah, and HSR must still have a protection plan incase water loss or other damage occurs to the stream. According to the DWR, Beaver creek is ranked as having substantial value as a salmonid fishery. DWR originally stated in an analysis of the mine project, that no monitoring of the stream would be necessary because no impacts were to occur. However, this analysis was conducted in 1981, prior to any plans for retreat mining. (Horizon MRP, Vol. 3, Chapter 10, page 10-8)

Findings:

The information provided is not considered adequate to meet the minimum regulatory requirements for this section. Prior to approval, the permittee must address the following in accordance with:

R645-301-332: The permittee must submit a protection and enhancement plan for Beaver Creek prior to any additional retreat mining under Beaver Creek. This plan must be developed in conjunction with the Division of Wildlife Resources (DWR) and the Division of Oil, Gas and Mining. (Horizon MRP, Chapter 10, page 10-40). The plan must include, at a minimum, an analysis and monitoring plan of the aquatic resources that could be impacted. This plan should incorporate the 1981 baseline macroinvertebrate studies for Beaver Creek located in Chapter 10 of the Horizon Mining and Reclamation Plan (MRP). In the 1981 DWR analysis of impacts from mining to Beaver Creek referenced in the Horizon MRP, DWR stated that the stream was a substantial value salmonid fishery. DWR conducted this analysis when there were no plans to mine below Beaver Creek, and therefore determined that no impacts would occur to the stream from mining. DWR must be involved with reevaluating the plan to retreat mine beneath Beaver Creek to assess the impacts and provide input on a protection plan. (IC)

RECOMMENDATIONS:

The amendment application is not recommended for approval.